Amendments to the Claims:

This listing will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1 (currently amended): An unprinted inkjet recording element comprising a support having thereon at least two ~~hydrophilic~~ ink receiving layers ~~capable of receiving an inkjet image~~, wherein the topmost layer of said inkjet recording element, having a thickness of from about 1 to about 10 micrometer, ~~of said at least two hydrophilic ink receiving layers~~ comprises a hydrophilic polymeric binder and porous crosslinked polyester-containing particles, wherein at least 68% of said porous crosslinked polyester-containing particles have a diameter of less than 0.5 micrometers;

wherein the crosslinked porous polyester-containing particles are prepared by crosslinking unsaturated precursor polyester within an oil-in-water emulsion in the presence of a water-immiscible organic solvent, wherein the water-immiscible organic solvent is removed to yield a dispersion of porous crosslinked polyester-containing particles.

2 (original): The inkjet recording element of claim 1 wherein said porous polyester particles are present in at least one layer below the topmost layer of said inkjet recording element.

3-5 (canceled):

6 (previously presented): The inkjet recording element of claim 1 wherein said inkjet recording element further comprises at least one layer below said topmost layer, said layer comprising organic or inorganic particles.

7 (original): The inkjet recording element of claims 6 wherein said inorganic particles comprise silica, alumina, calcium carbonate, clay, or barium sulfate.

8 (original): The inkjet recording element of claims 6 wherein said organic particles comprise styrene-butadiene latex, polyurethane latex, or an acrylic latex.

9 (currently amended): The inkjet recording element of claim 1 wherein said inkjet recording element comprises at least one layer below said topmost layer~~, said layer~~ comprising a swellable polymer.

10 (canceled):

11 (original): The inkjet recording element of claims 9 wherein said swellable polymer comprises at least one member selected from the group consisting of gelatin, poly(vinyl alcohol), and a sulfonated polyester.

12 (currently amended): The inkjet recording element of claim 2 wherein said porous crosslinked polyester-containing particles in the at least one layer below the topmost layer comprise particles having a mean diameter of greater than 0.5 micrometers.

13 (currently amended): The inkjet recording element of claim 2 wherein said porous polyester particles in the at least one layer below the topmost layer comprise particles having a mean particle diameter of between 1 and 3 micrometers.

14 (currently amended): The inkjet recording element of claim 2 wherein said porous polyester particles in the at least one layer below the topmost layer comprise particles having a mean particle diameter of between 1 and 10 micrometers.

15 (canceled):

16 (canceled):

17 (canceled):

18 (previously presented): The inkjet recording element of claim 1 wherein said inkjet recording element has a surface gloss of greater than or equal to 10 at a measurement angle of 60 degrees.

19 (canceled):

20 (canceled):

21 (canceled):

22 (canceled

23 (canceled):

24 (canceled):

25 (currently amended): The inkjet recording element of claim 24 wherein said hydrophilic binder polymer is selected from at least one member of the group consisting of poly(vinyl alcohol), gelatin, sulfonated polyester, and water dispersible polyurethane.

26 to 28. (canceled)

29 (currently amended): The inkjet recording element of claim 1 wherein said crosslinked porous polyester-containing particles comprise precursor polyester comprising at least one member the group consisting of maleic, fumaric, itaconic, phenylenediacrylic, citraconic and mesaconic acid.

30 (original): The inkjet recording element of claim 29 wherein said precursor polyester further comprises sulfonated monomer.

31 (original): The inkjet recording element of claim 29 wherein said precursor polyester has an acid number of at least 10.

32 (original): The inkjet recording element of claim 29 wherein said precursor polyester has a molecular weight of 1,000 to 30,000.

33 (currently amended): The inkjet recording element of claim 1 wherein said crosslinked porous polyester-containing particles have an ionic group equivalent weight of between 40 and 2000 grams per mole of ionic unit.

34 (original): The inkjet recording element of claim 33 wherein said ionic group comprises sulfonate functionality.

35 (canceled):

36 (currently amended): The inkjet recording element of claim 35 wherein said crosslinked porous polyester-containing particles comprise between 50 and 95% by weight of said at least one layer of said at least two ink receiving layers.

37 (original): The inkjet recording element of claim 35 wherein said particles comprise between 75 and 90% by weight of said at least one layer of said at least two ink receiving layers.

38 (canceled):

39 (canceled):

40 (currently amended): The inkjet recording element of claim 29 wherein said crosslinked porous polyester-containing particles further comprise the copolymerization product of at least one ethylenically unsaturated monomer selected from the group consisting of styrene, divinylbenzene, divinyl adipate, or cyclohexanedimethanol divinyl ether.

41 (canceled):

42 (original): The inkjet recording element of claim 1 having a thickness of between 10 and 50 micrometers.

43 (canceled):

44-45 (canceled):

46 (new): An unprinted inkjet recording element comprising a support having thereon at least two ink receiving layers, wherein the topmost layer of said inkjet recording element, having a thickness of from about 1 to about 10 micrometer, comprises a hydrophilic polymeric binder and porous crosslinked polyester-containing particles, wherein at least 68% of said porous crosslinked polyester-containing particles have a diameter of less than 0.5 micrometers and wherein said crosslinked porous polyester-containing particles have an ionic group equivalent weight of between 40 and 2000 grams per mole of ionic unit;

wherein porous polyester particles having a mean diameter of greater than 0.5 micrometers are present in at least one layer below the topmost layer of said inkjet recording element;

wherein said crosslinked porous polyester-containing particles in both the topmost layer and in the at least one layer below the topmost layer comprise between 50 and 95% by weight of the respective layer; and

wherein the crosslinked porous polyester-containing particles in both the topmost layer and in the at least one layer below the topmost layer are prepared by crosslinking unsaturated precursor polyester within an oil-in-water emulsion in the presence of a water-immiscible organic solvent, wherein the water-immiscible organic solvent is removed to yield a dispersion of porous crosslinked polyester-containing particles.